

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Thursday, **February 8, 2010**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey at 11:30am.

1. Roll Call:

Present: President Neil McKloskey
Commissioner Hank Wallace
Commissioner Bill Martens
Commissioner John Hanitz
Commissioner Craig Dickman
Commissioner John Gower (arrived at 11:35am)
Commissioner Bernie Erickson (arrived at 11:33am)

Also Present: Charles Larscheid, Brown County Port & Solid Waste
Dean Haen, Brown County Port & Solid Waste
Christian Zuidmulder, C. Reiss Coal Co.
Allison Swanson, GB
Tony Walter, GB Press-Gazette
T.V. Media
Sean Ryan & John Mory, Cellcom Marathon

2. Approval/Modification – Meeting Agenda

A motion was made by Craig Dickman and seconded by Hank Wallace to approve the agenda. Unanimously approved.

3. Approval/Modification – January 11, 2010 Meeting Minutes

A motion to approve the January 11, 2010 meeting minutes as modified was made by Hank Wallace and seconded by John Hanitz. Unanimously approved.

4. Green Bay Cellcom Marathon, Sean Ryan/John Mory – Request for Approval

A copy of the course map was handed out to the Commissioners. Sean Ryan and John Mory, representatives of the Green Bay Cellcom Marathon indicated that this year's route would be crossing the Dousman Bridge and Nitschke Bridge. Any runner eligible for the Boston Marathon would be across the bridges by 10am. As in past years, the Marathon is requesting a five-hour window (8am until 1pm) and has agreed to deposit \$7500 in escrow for possible demurrage charges. It was noted that although the Port will notify terminal operators of the requested port closure for five hours during the marathon, this is not a formal U.S. Coast Guard-authorized closure. Staff noted that the current demurrage charge is currently closer to \$2000 than the \$1500. The Commission indicated they were comfortable with the time and dollar amount requested by Green Bay Cellcom Marathon and **a motion to accept the five-hour window of closure for \$7,500 was made by John Gower and seconded by Craig Dickman.** Unanimously approved.

5. U.S. Army Corps of Engineer's Renard Island Causeway Design – Request for Approval

As requested previously by the Harbor Commission, the preliminary causeway design options received from the U.S. Army Corps of Engineers (USACE) were forwarded to the City of Green Bay. The City sent a letter (copy in agenda packet) indicating the access rights to the east side of the island are owned by the City of Green Bay, The west side

has an existing road that has not been abandoned. The monetary difference between a causeway on the east side versus the west side is approximately \$500,000. The City has verbally indicated they prefer the west side of the island be used for the causeway primarily because of the operations of the park during the summer.

A motion to suspend the rules was made by John Gower and seconded by Hank Wallace. Unanimously approved. Allison Swanson, City of Green Bay, indicated that hopefully whatever is done for a temporary causeway would be suitable for the City's long-term vision for the island. Swanson indicated the City is looking at passive uses for the island and does not envision cars driving out to or on the island. Swanson noted it would cost \$600,000 to remove the causeway and the City feels this would be a waste of money as the City would be agreeable to using temporary causeway and avoid additional costs to both the City and County. Swanson also indicated that the City is interested in working with the Wisconsin Department of Natural Resources (WDNR) on a lakebed grant for a permanent causeway and is willing to sit down with the County to discuss possible options in the future.

A motion to return to regular order was made by Craig Dickman and seconded by John Gower. Unanimously approved.

At this time the Commission believes their primary focus is getting the Island closed within a relatively short time line. If the City of Green Bay decides they do not want to take an active role at this time, the Commission respects their position, however will proceed with the USACE to create a temporary causeway at the lowest possible cost. Brown County is responsible for getting access to the island and if the right-of-way cannot be obtained for the east side from the City, then the lowest base plan becomes the west side resulting in an additional \$430,000 which the USACE is responsible for paying. Verbally the USACE has stated the design of the causeway could be changed to cut costs. The monies for this project are in the FY10 USACE budget. Staff read the proposed recommendation to the Commission as well as reviewed the letter received from the City of Green Bay. **The Harbor Commission recommends that the U.S. Army Corps of Engineers select the Renard Isle causeway working estimate construction alternative that will be of no cost to Brown County. If the City of Green Bay wishes to modify that construction alternative for future recreational flexibility on Renard Isle, the City needs to participate in the process of procuring any needed approvals and financing for the modification** **A motion to accept the recommendation presented in the staff memorandum was made by Craig Dickman and seconded by John Gower.** Unanimously approved. .

6. Fox River Navigation/Environmental Dredging Issue

Talks have taken place between Brown County and the WDNR, EPA and USACE regarding the conflicts between environmental dredging and navigation dredging. Since the terminals most affected by environmental capping (Georgia Pacific, C. Reiss Coal, Construction Resource Mgmt., and LaFarge) have expressed little to no interest in pursuing this any further, at this time the Port of Green Bay will no longer be pursuing this issue either.

Georgia Pacific agreed to pay for additional sampling in the river in an effort to receive WDNR and EPA approval for the USACE to dredge the river. The sampling results showed there are pcb's in the sediment to be dredged and they range from below 1 ppm to above 1ppm. In follow-up meetings, the WDNR and EPA have indicated they will still require the USACE to do turbidity monitoring and possibly silt curtains when dredging. In their 1/29/10 letter, the USACE responded they are not willing to do anything above and beyond their current dredging requirements and therefore, will no longer dredge in the Fox River until the clean-up project is completed.

Staff indicated the east river turning basin was in need of dredging last year and that each year an additional 10,000 cy of silt accumulates in the turning basin. Each year this area is not dredged, will result in more light loading and ultimately the inability for ships to turn in the river. The Commission directed staff to set up the next Harbor Commission meeting with this one agenda item. The Commission stated staff should contact the terminal operators and strongly encourage them to attend this meeting as the future viability of the Port is in jeopardy. The Harbor Commission, working through the terminal operators, will issue a statement. The Commission feels it is imperative our legislators and the public be made aware of the ramifications to Northeast Wisconsin if dredging this area is delayed for possibly six or seven years. A representative from C. Reiss Coal spoke regarding the best or most convenient time to hold a meeting.

7a. Great Lakes Restoration Initiative Grants – Request for Approval

- a) Renard Island Cap
- b) Cat Island

Staff reviewed the Great Lakes Restoration Initiative Grants included in the agenda packet. Currently there is \$475M available for Great Lakes restoration projects. Brown County has applied for both grants. Staff reviewed the entire grant process and work to be done for both projects.

A motion to approve the Great Lakes Restoration Initiative Grant for Renard Island was made by John Gower and seconded by Hank Wallace. Unanimously approved.

A motion to approve the Great Lakes Restoration Initiative Grant for Cat Island was made by John Gower and seconded by Neil McKloskey. Unanimously approved.

8. Strategic Plan Subcommittee – Update

Commissioner Dickman updated the Commission on the progress of the Strategic Plan subcommittee. A two-page outline of the Plan was distributed at the meeting. Four major themes have been identified for the Plan: Open Markets, Sustainable Economics, Expanding Markets & Revenues, and Autonomous & World-Class Operations. At the last meeting, the committee focused on crafting strategic initiatives with the goal of having five strategic initiatives under each of the four main focus areas. The subcommittee reviewed the suggested initiatives for Open Markets and Sustainable Economics. The Commission was asked to rate each initiative as to a high, medium or low priority as well as provide any other feedback or suggestions. Discussion ensued. The next subcommittee is scheduled for February 22nd.

9. FTZ Annual Report

The Port has submitted the required annual Federal and State reporting for the Foreign Trade Zones. Staff reviewed activity within the Zone indicating that Polaris Industries and Robin Manufacturing still had quite a bit of activity last year but it is significantly down from years' past but they still are benefiting from the FTZ. Marinette Marine did not do any activity but hopefully they have some business development happening and they should be active this year. This report will expand as the influence of the FTZ and benefits for the Port increase.

10. WDOT Dockwall Use Report

The Port has submitted a summary report for all Harbor Assistance grants used to build dockwalls (Georgia Pacific, Western Lime, Fox River Dock, Great Lakes Calcium, Koch Industries, Nobel Petro) to the Wisconsin Department of Transportation.

11. Director's Report

- Three legal bills have been received from Michael, Best & Friedrich for dredging-related issues totaling \$6,596.
- Planning, Transportation & Development (PD&T) will put the causeway issue and the GLRI grants on their next agenda for approval.
- Staff recommended the requested Terminal Operator meeting be held at the P&SW office and be scheduled for the afternoon. The next regularly scheduled Harbor Commission meeting is on March 8, 2010.

No other items were given under the Director's Report; however, additional dialog took place on the following:

Commission requested update on Bylsby. Staff stated they are waiting for a City or County sedimentation pond or stormwater pond for the mitigation bank credit.

Commission also asked if the Solid Waste and Port accounts are now separate. Staff indicated the budget adjustment will go through County Board next Wednesday for approval.

12. Audit of Bills

Nothing recorded.

13. Such Other Matters as Authorized by Law

Nothing recorded.

14. Adjourn

A motion to adjourn was made by Hank Wallace and seconded by Bill Martens. Unanimously approved. Meeting adjourned at 12:43pm.